

CALENDAR ITEM

C10

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04/05/16

S 1

PRC 5357.1
S. Kreutzburg

CORRECTION TO PRIOR AUTHORIZATION

APPLICANT:

David R. Shelton and Jennifer L. Shelton, Co-Trustees of The David and Jennifer Shelton Family Trust, dated June 6, 2003; and Donald Macleod and Mary L. Macleod, trustees of the Macleod Family Trust Dated January 31, 2005.

AREA, LAND TYPE, AND LOCATION:

Sovereign land located in Lake Tahoe, adjacent to 3800 and 3810 North Lake Boulevard, near Tahoe City, Placer County.

AUTHORIZED USE:

Continued use and maintenance of an existing joint-use pier, unenclosed boathouse with sundeck and stairs, and four mooring buoys.

LEASE TERM:

10 years, beginning December 16, 2015.

CONSIDERATION:

\$3,483 per year, with an annual Consumer Price Index adjustment.

CORRECTED CONSIDERATION:

\$3,487 per year, with an annual Consumer Price Index adjustment.

SPECIFIC LEASE PROVISIONS:

1. Liability insurance in an amount no less than \$1,000,000 per occurrence.
2. If Lessee does not have valid Tahoe Regional Planning Agency (TRPA) buoy permits, Lessee is required to obtain such authorization for the mooring buoys within two years after the adoption of a Final Environmental Impact Statement (FEIS) for the Lake Tahoe Shorezone Ordinance Amendments and approval of the amended ordinances. If Lessee is unable to obtain such authorization within the time limit, they must remove the buoys.

CALENDAR ITEM NO. **C10** (CONT'D)

3. Lessee expressly acknowledges and agrees that issuance of a lease does not substitute for, or provide preference in, obtaining authorizations from TRPA or any other regulatory agency for the improvements authorized by the Commission.
4. The lease contains provisions stating that the existing sundeck with stairs, as shown on the attached Exhibit B, cannot be expanded, and if repairs to any portion of the existing sundeck cost more than 50 percent of the base value of the sundeck, then the sundeck with stairs must be removed from the lease premises.

STAFF ANALYSIS AND RECOMMENDATION:

Statutory Authority:

Public Resources Code sections 6005, 6216, 6301, and 6503.5; California Code of Regulations, Title 2, section 2000, subdivision (b).

Public Trust and State's Best Interests Analysis:

Correction of the Commission's authorization will not result in any impacts to the public trust. The administrative action of correcting rent on a prior authorization will not interfere with public trust needs at this location and doing so is in the best State's best interests.

OTHER PERTINENT INFORMATION:

1. Applicant owns the upland adjoining the lease premises.
2. On December 18, 2015, the Commission authorized a 10-year General Lease – Recreational Use to David R. Shelton and Jennifer L. Shelton, Co-Trustees of The David and Jennifer Shelton Family Trust, dated June 6, 2003; and Donald Macleod and Mary L. Macleod, trustees of the Macleod Family Trust Dated January 31, 2005 (Calendar Item C17). Staff has since discovered that the consideration was incorrectly stated as \$3,483 per year. Therefore, staff is requesting Commission approval to correct the consideration to \$3,487 per year.
3. Staff recommends this correction as it promotes Strategy 2.2 to ensure timely receipt of revenues and royalties from the use and development of State lands and minerals.
4. Approving the correction of prior authorization is not a project as defined by the California Environmental Quality Act (CEQA) because it is an administrative action that will not result in direct or indirect physical changes in the environment.

CALENDAR ITEM NO. **C10** (CONT'D)

Authority: Public Resources Code section 21065 and California Code of Regulations, Title 14, section 15378, subdivision (b)(5).

EXHIBITS:

- A. Land Description
- B. Site and Location Map

RECOMMENDED ACTION:

It is recommended that the Commission:

PUBLIC TRUST AND STATE'S BEST INTERESTS:

Find that the proposed correction will not substantially interfere with the public trust needs and values at this location; find this action is consistent with the common law public trust doctrine and is in the best interests of the State.

AUTHORIZATION:

Authorize correction of the Commission's December 18, 2015, authorization of a General Lease – Recreational Use to David R. Shelton and Jennifer L. Shelton, Co-Trustees of The David and Jennifer Shelton Family Trust, dated June 6, 2003; and Donald Macleod and Mary L. Macleod, trustees of the Macleod Family Trust Dated January 31, 2005, to change the consideration from \$3,483 per year to \$3,487 per year; all other terms and conditions of the prior authorization and lease to remain unchanged and in effect.

EXHIBIT A

PRC 5357.1

LAND DESCRIPTION

Five (5) parcels of submerged land situated in the bed of Lake Tahoe, lying adjacent to Lot 4 of fractional Section 28, Township 16 North, Range 17 East, M.D.B.&M., as shown on Official Government Township Plat approved November 10, 1865, County of Placer, State of California, more particularly described as follows:

PARCEL 1 - PIER

All those lands underlying an existing pier, sundeck with stairs, and boathouse lying adjacent to those parcels as described in Grant Deed recorded February 4, 2005 as Document Number 20050014308 and Grant Deed recorded June 12, 2015 as Document Number 20150049834 in Official Records of said County.

TOGETHER WITH any applicable Impact Area(s).

EXCEPTING THEREFROM any portion lying landward of elevation 6223 feet LTD on the shoreline of said Lake Tahoe.

PARCELS 2 thru 5 - BUOYS

Four circular parcels of land, each being 50 feet in diameter, underlying four existing buoys lying adjacent to those parcels as described in Grant Deed recorded February 4, 2005 as Document Number 20050014308 and Grant Deed recorded June 12, 2015 as Document Number 20150049834 in Official Records of said County.

Accompanying plat is hereby made part of this description.

END OF DESCRIPTION

Prepared 11/03/2015 by the California State Lands Commission Boundary Unit.



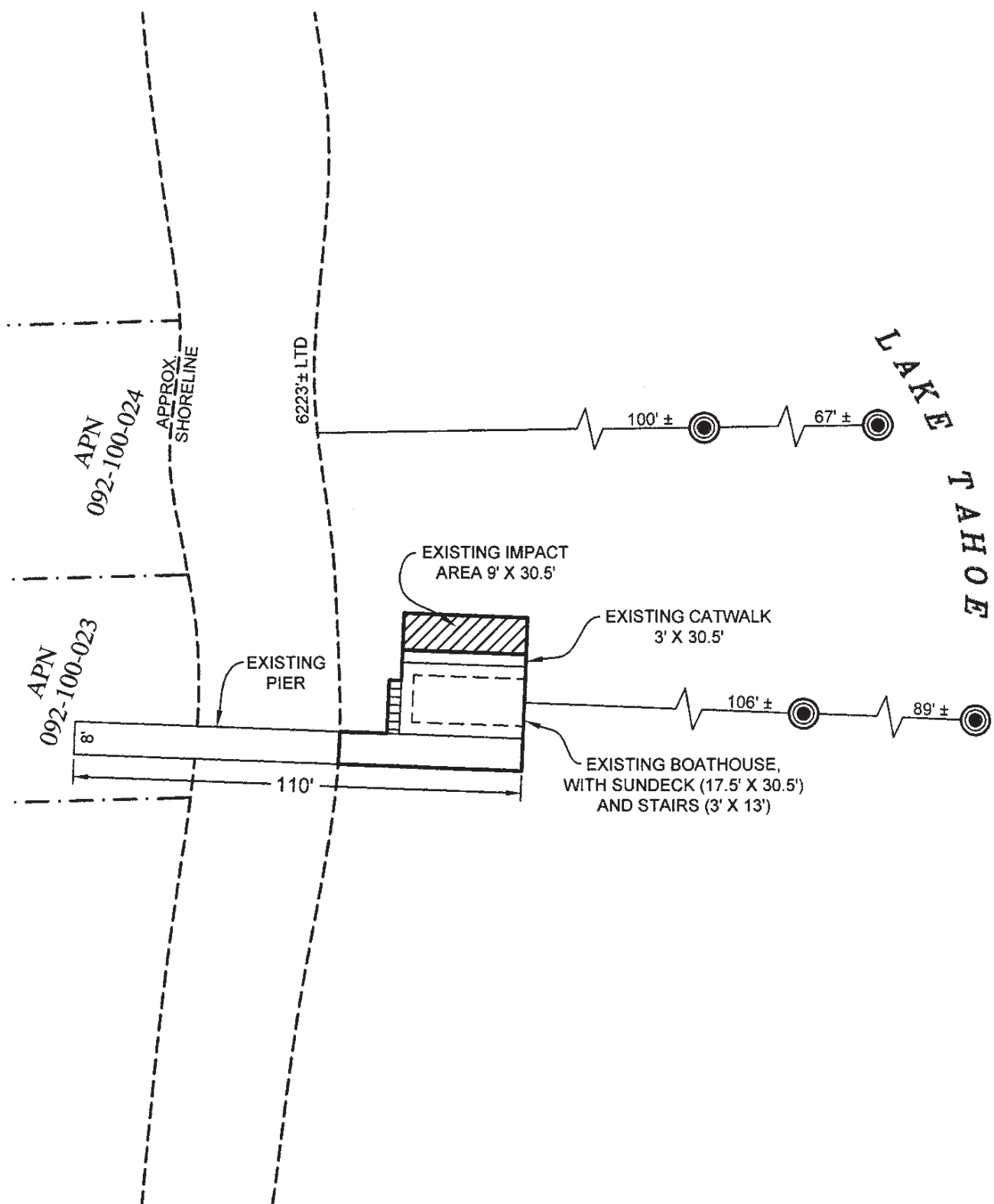


EXHIBIT A

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RGB 11/03/15

LAND DESCRIPTION PLAT
PRC 5357.1, MACLEOD & SHELTON
TRUST
PLACER COUNTY

CALIFORNIA STATE
LANDS COMMISSION



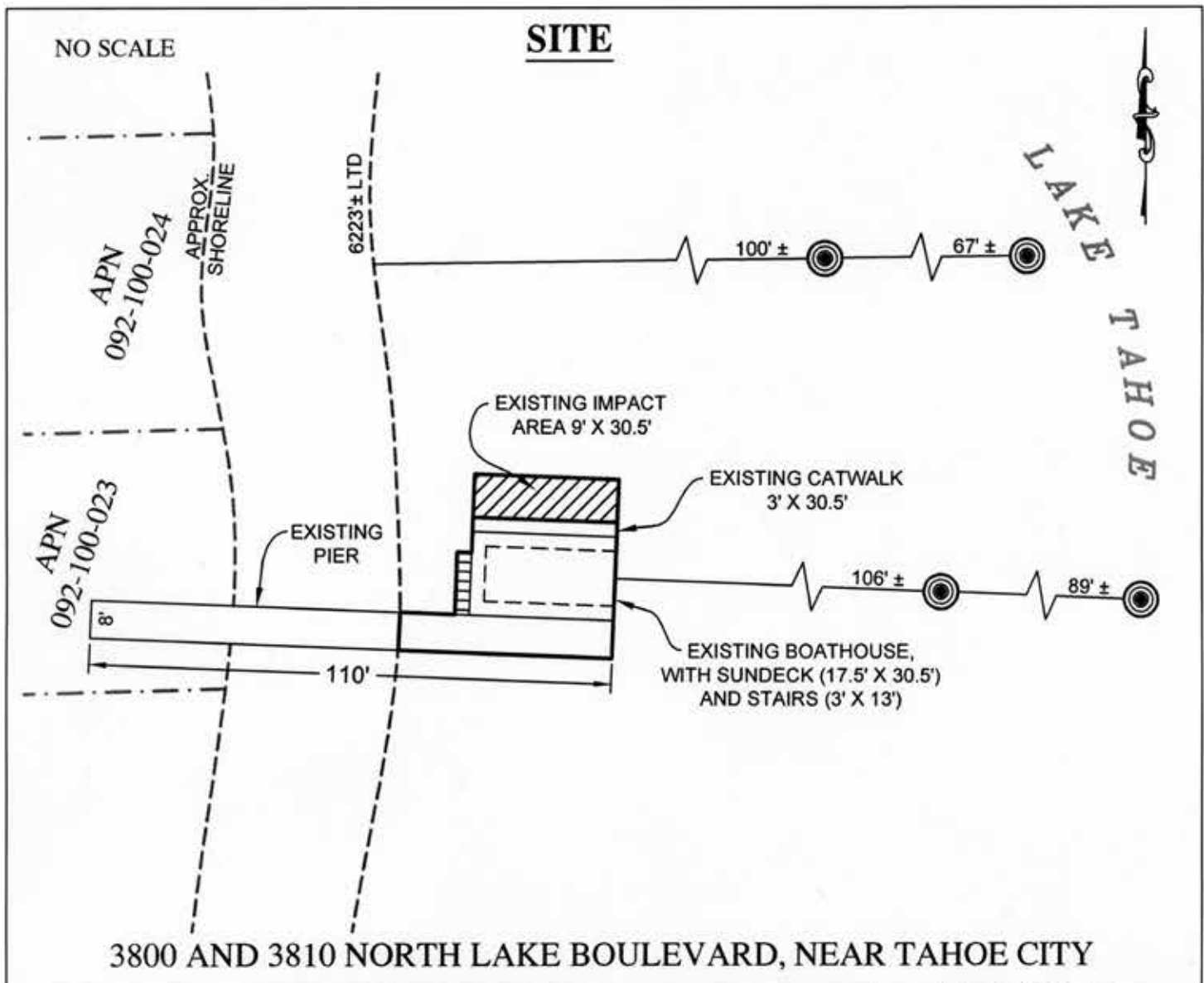
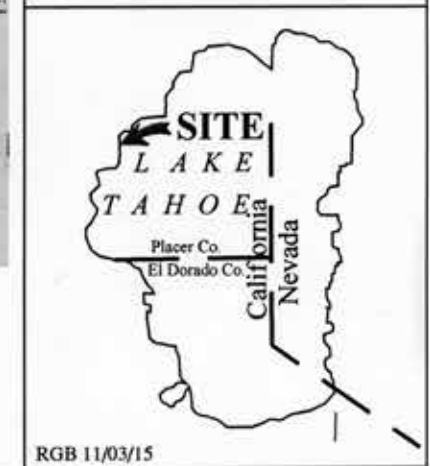


Exhibit B

PRC 5357.1
MACLEOD & SHELTON
TRUST
APN 092-100-023 & 024
GENERAL LEASE -
RECREATIONAL USE
PLACER COUNTY



This Exhibit is solely for purposes of generally defining the lease premises, is based on unverified information provided by the Lessee or other parties and is not intended to be, nor shall it be construed as, a waiver or limitation of any State interest in the subject or any other property.